

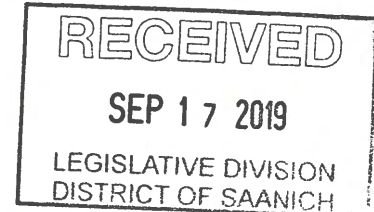


The Corporation of the District of Saanich

c/w 22 Oct 2019

Report

To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: September 17, 2019
Subject: Subdivision Application
File: SUB00798 • 2670 MacDonald Drive East



RECOMMENDATION

That the request for a waiver from the statutory requirement to provide a minimum 10% lot perimeter as road frontage in order to subdivide to create a panhandle lot for a total of two lots under the existing RS-14 (Single Family Dwelling) Zone be denied.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application. The subject application is a request for a waiver from the statutory requirement to provide a minimum 10% lot perimeter as road frontage in order to subdivide to create a panhandle lot for a total of two lots under the existing RS-14 (Single Family Dwelling) Zone. The applicant is Allan Whittal.

DISCUSSION

Background

Two previous (and identical) subdivision applications for this property have been made by the applicant. The request to waive the 10% perimeter road frontage requirement for the proposed panhandle lot was considered by Council twice in 2005 (File No. SUB2004-00015), and twice again in 2006 (File No. SUB2006-00005).

SUB2004-00015

At the Committee of the Whole meeting held April 4, 2005, the following resolution was passed:

"That the subdivision application for Lot 4, Section 44, Victoria District, Plan 5905 (2670 MacDonald Drive East) be held in abeyance until the applicant provides the following information:

- 1. An understorey inventory;
2. Plans showing the required road dedication;
3. Proposed building envelope on proposed Lot B; and
4. A tree plan indicating critical root zones."

Subsequent to the April 4, 2005 Committee of the Whole meeting, the applicant did provide some information but it was rudimentary.

A Supplemental Report from Planning dated September 15, 2005 stated: "The applicant feels that the material he has provided satisfies the need for information regarding understorey inventory, a tree plan and a proposed building envelope and road dedication. Although information has been provided, the applicant has elected not to use the reports and the recommendations of Environmental Services, the Parks Department, and the Engineering Department when considering building envelope location, natural state, tree covenant areas and road dedication information. As a result, it is still not possible to comment adequately on the suitability of this 10% frontage waiver application."

The Supplemental Report provided the following options:

- 1) That this application be held in abeyance until the applicant has satisfactorily addressed outstanding issues identified by Parks, Environmental Services and Engineering Staff.
- 2) That the application be approved.
- 3) That the application be rejected.

Council considered the application again at the Committee of the Whole meeting held October 3, 2005, and resolved:

"That the subdivision application for Lot 4, Section 44, Victoria District, Plan 5905 (2670 MacDonald Drive East), be rejected."

SUB2006-00005

On March 7, 2006, the applicant submitted a new subdivision application, identical to the original proposal which was rejected by Council at the Committee of the Whole meeting held October 3, 2005.

The Planning report dated May 2, 2006 stated: "The current subdivision application is identical in all respects to the original proposal considered by Council. No new information respecting understorey inventory, road dedication, building envelope and critical root zones has been submitted since the Council Meeting of October 3, 2005."

The recommendation of the report was the same as that of the Supplemental Report dated September 15, 2005.

Council considered the application at the Committee of the Whole meeting held May 15, 2006, and moved:

"That it be recommended that the request for an exemption from the 10% road frontage requirement of the Local Government Act for Lot 4, Section 44, Victoria District, Plan 5905, (2670 MacDonald Drive East), be rejected."

The applicant appealed this decision and Council reviewed the appeal at the Council meeting of June 12, 2006. At that meeting it was moved:

“That Council reconfirm its May 15, 2006 decision that the request for an exemption from the 10% road frontage requirement of the Local Government Act for Lot 4, Section 44, Victoria District, Plan 5905 (2670 MacDonald Drive East), be rejected.”

On July 19, 2006 the applicant met with staff from Planning, Engineering, Parks and Environmental Services and was provided information on the type, extent and quality of information required for the application to be properly reviewed.

SUB00798

The current application was received July 5, 2017. As with previous applications, a preliminary review indicated outstanding issues that needed to be resolved before the application could proceed. Chief among these was the inadequacy of the information provided. Details about the additional information required were provided to the applicant in a letter from Planning dated August 8, 2017. Key information requested included the following:

- Full-size plans prepared by a BC Land Surveyor to a standard scale and showing required road dedication, lot area and width for the proposed lots, existing footprints and setbacks for the existing buildings, building envelope for proposed Lot B, proposed driveway locations and all Tree Bylaw listed trees and proposed replacement trees.
- Floor area details for the existing residence to be retained on proposed Lot A.
- Confirmation respecting a proposed Natural State Covenant Area over the rear of proposed Lot B.
- A servicing brief prepared by the applicant’s consulting engineer in consultation with the consulting arborist to address the location of the driveway and the installation of servicing.
- A Tree Preservation Plan prepared by an ISA certified arborist.

Neighbourhood Context

The subject property is located in the Cadboro Bay Local Area. This rectangular, RS-14 (Single Family Dwelling) zoned property measures 4373 m² in area and is located on MacDonald Drive East, one block northeast of Arbutus Road and one block southwest of Queenswood Drive. The area is a predominantly single family dwelling neighbourhood. Surrounding properties are all zoned RS-14 (Single Family Dwelling) with RS-12 zoned properties to the south along Arbutus Road and RS-16 zoned lots to the north along Queenswood Drive.

The parcel is 786 m from the centre of the Cadboro Bay Village “Centre” as the crow flies, but actual driving distance would be a little over 2 km. Thanks to pedestrian linkages, the walking distance is reduced to 1.2 km. Nearby parks include Phyllis Park (355 m away), Cadboro-Gyro Park (491 m away) and Maynard Park (691 m away). The nearest schools are Frank Hobbs Elementary School located 855 m away from the subject property and Arbutus Middle School, situated at a distance of 1.5 km.

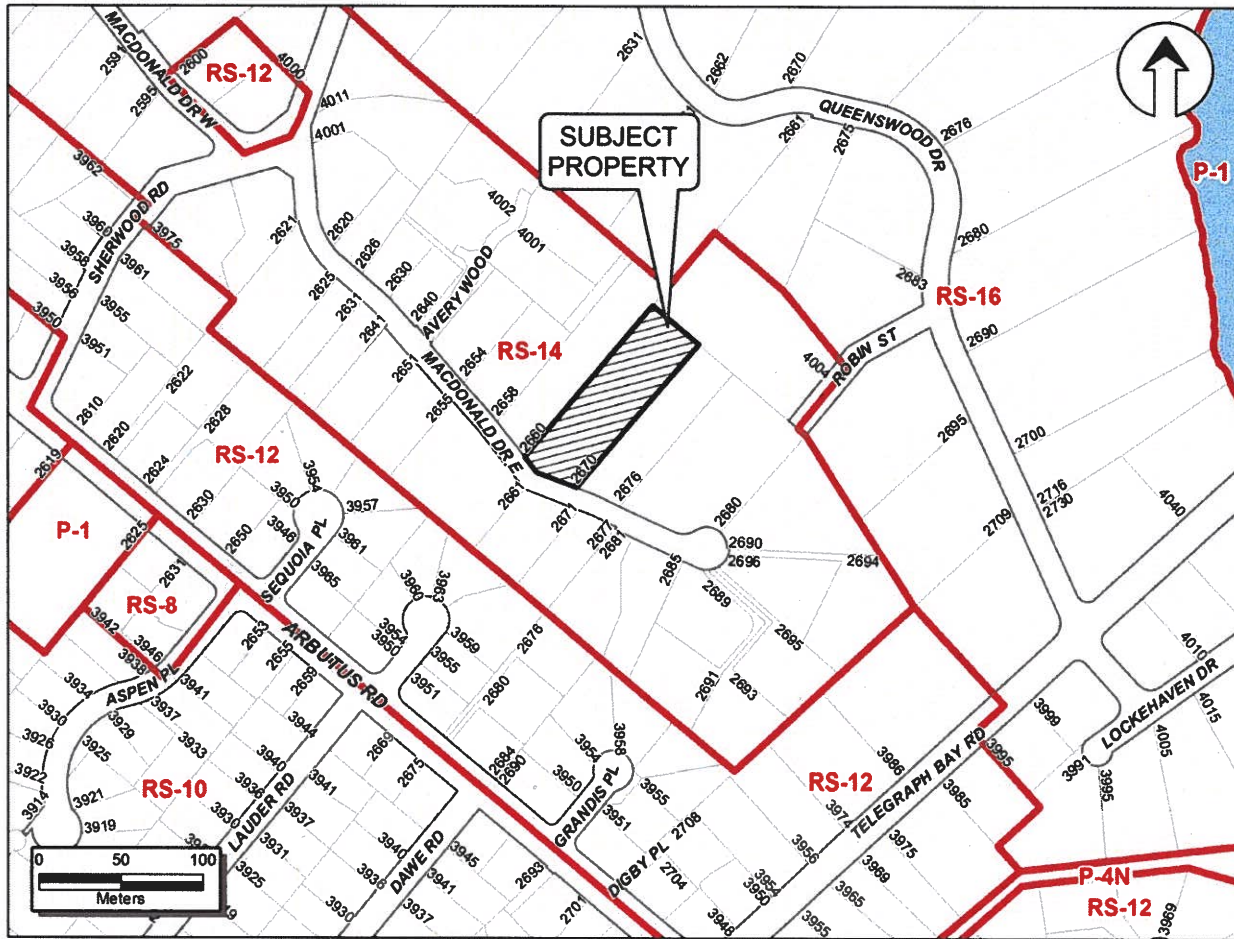


Figure 1: Neighbourhood Context

Proposed Land Use

There would be no change in zoning required for the infill development. The proposed subdivision would create one panhandle lot under the existing RS-14 (Single Family Dwelling) Zone, no variances are requested. A number of parcels to the east at the end of MacDonal Drive East were subdivided in the mid-1980s with panhandle lots. A more recent subdivision in 2015 saw the creation of parcels off of Avery Wood. The proposed lots would be slightly larger than the minimum lot size required at 2040 m² for the standard lot and 2340 m² - excluding the access strip - for the panhandle lot (2020 m² required).

PLAN OF LOCATION OF PROTECTED TREES
LOT 4, SECTION 44, PLAN 5905
VICTORIA DISTRICT

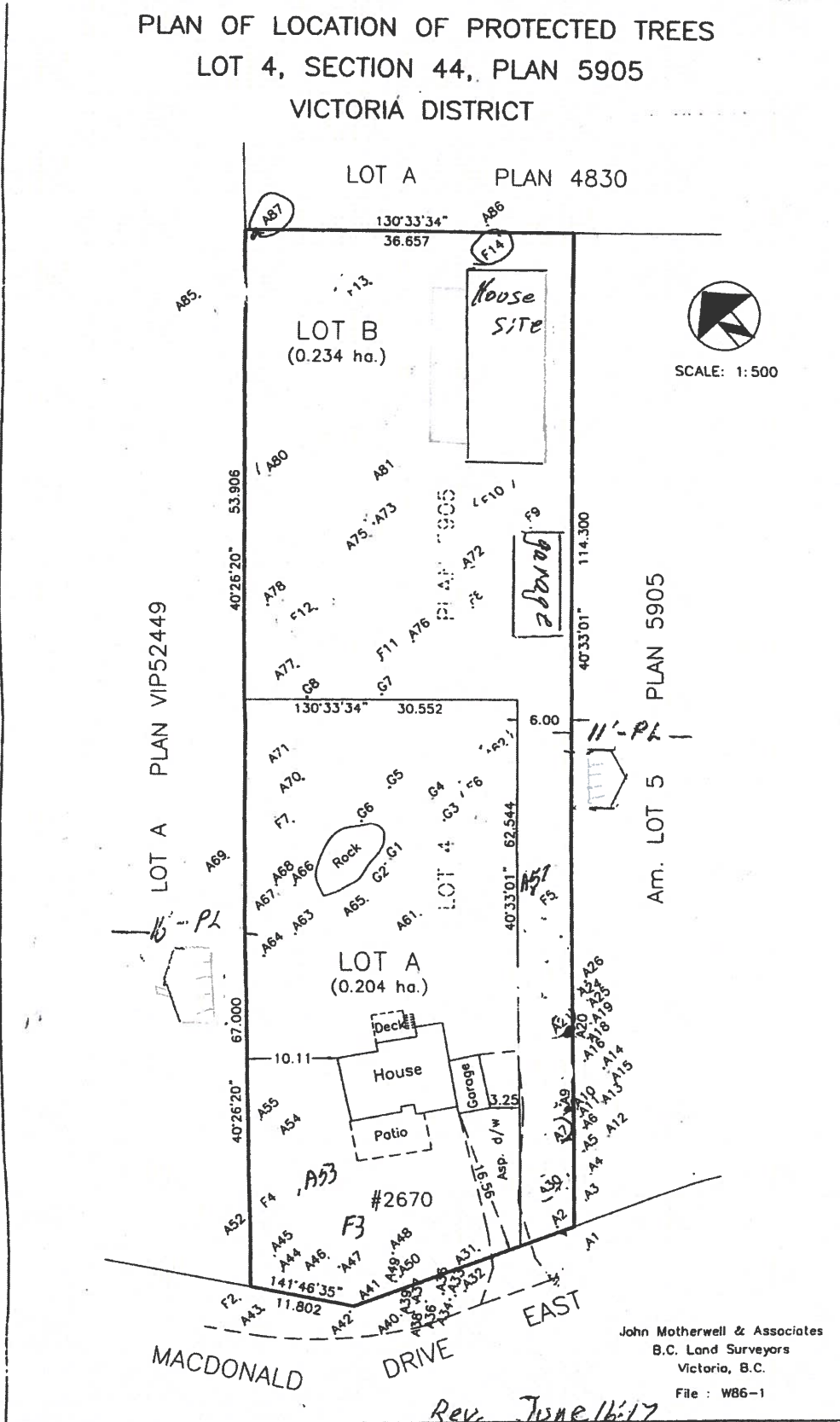


Figure 2: Proposed Subdivision

Site and Building Design

The applicant has not submitted house plans for the proposed house to be constructed on the panhandle lot, nor has he provided an accurate site plan showing the proposed location for the new house, driveway and site services. The applicant has stated that the lot is being created for sale and details of the site and building design would be provided by a future owner through the Building Permit process.

Consultation

The applicant has provided no information to indicate whether or not efforts were made to consult with neighbours and the community association about the current proposal. Neighbours have expressed concern regarding the possible removal of the large amount of trees on the property.

The Cadboro Bay Community Association was sent a referral from the Planning Department. A response was received from the Association stating that it does not support the application. A copy of the referral comments from the Cadboro Bay Community Association is included in the agenda package.

ALTERNATIVES

1. That Council approve the recommendation as outlined in the staff report (Staff recommend).
2. That Council reject the recommendations as outlined in the staff report.
3. That Council provide alternate direction to Staff.

FINANCIAL IMPLICATIONS

The proposal has no immediate implications related to the District of Saanich Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposal has no implications related to the District of Saanich 2015 - 2018 Strategic Plan.

PLANNING IMPLICATIONS

Policy

The following Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2008)

- 4.2.1.1 "Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact; Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainability; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy."
- 4.2.1.2 "Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and encourage all new development to locate within the Urban Containment Boundary."
- 4.2.1.14 "Encourage the use of 'green technologies' in the design of all new buildings."

- 4.2.1.18 “Encourage new development to achieve higher energy and environmental performance through programmes such as ‘Built Green’, LEED or similar accreditation systems.”
- 4.2.1.20 “Require building and site design that reduce the amount of impervious surfaces and incorporate features that will encourage ground water recharge such as green roofs, vegetated swales and pervious paving material.”
- 4.2.4.3 “Support the following building types and land uses in Neighbourhoods:
- Single family dwellings;
 - Duplexes, tri-plexes, and four-plexes;
 - Townhouses;
 - Low-rise residential (up to four storeys); and
 - Mixed-use (commercial/residential) (up to four storeys).”

Cadboro Bay Local Area Plan (2002)

- 7.1 “Maintain single-family housing as the predominant land use and promote appropriately located and designed multi-family housing.”
- 7.2 “Do not support rezoning to permit single family minimum lot sizes less than those identified on Map 7.1, unless located in the 780 m² designation and in accordance with Policy 7.3.”

Policy Analysis

Official Community Plan

The proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary and the proposed lot sizes are consistent with Cadboro Bay Local Area Plan Policy 7.3, which identifies a minimum parcel size of 2020 m² in this area.

10% Waiver

Pursuant to Council Policy 99/321, all panhandle lots that do not provide a minimum road frontage of 10% of the lot perimeter shall be referred to Council for consideration of a waiver from the statutory requirement pursuant to Section 512(2) of the “Local Government Act”.

The following criteria are used by Council to assess the implications of proposed panhandle lots:

- a) Whether the reduced frontage of the proposed lots will adversely affect the streetscape or result in conflict with existing driveways, intersections, or natural features.

The applicant has been requested and to date has not provided a plan showing the required road dedication as per minimum road right-of-way and road design criteria provided in the Subdivision Bylaw and as recommended by the Engineering Department. Until this information is received, it is unclear as to how many trees will be affected by a lot line adjustment. Because of the large number of arbutus trees along the side the panhandle access as proposed, the Parks Department suggests consideration of a shared driveway access to minimize the loss of the trees. This could be accomplished through an access easement registered to both parcels.

- b) Whether the subdivision will result in an unacceptable loss of privacy to neighbouring properties.

Neighbours have expressed concern regarding the possible removal of the large amount of trees on the property. Since the applicant has declined to provide information regarding possible siting of the dwelling on proposed Lot B, privacy impact concerns cannot be assessed.

- c) The extent to which buildings proposed for the lots will impact neighbouring properties by:
- i) overshadowing
 - ii) obstructing existing views
 - iii) blocking sunlight

Since the applicant has elected not to provide any plans indicating possible siting or building design, it is not possible to assess the implications.

- d) The extent of blasting, filling, excavating, and tree removal to be carried out to develop the proposed lots.

The applicant has elected not to provide the requested complete tree and understorey inventory. Due to the large number of trees, the Parks Department has requested a plan showing protected root zones and potential tree covenant areas. The Engineering Department has requested a servicing plan provided by the applicant's consulting engineer showing how the servicing requirements will be addressed due to the large number of trees. Again, since plans indicating siting or building design have not been provided, it is not possible to assess the extent to which blasting, filling, excavation and tree removal will have on the parcel.

- e) The degree to which the buildings to be constructed on the proposed lots will blend in with the design, height, and siting of buildings on adjacent properties.

Since the applicant has elected not to provide any plans indicating possible siting or building design, it is not possible to assess the implications.

Servicing

Property dedication is required along the entire frontage of the subdivision on MacDonald Drive East towards an 18.0 m wide road allowance. The existing pavement on MacDonald Drive East, fronting this subdivision, must be widened to 6.0 m complete with asphalt water control.

It is recommended that a shared driveway be constructed to serve both lots. Reciprocal easements will be required.

Stormwater management must be provided in accordance with the requirements of Schedule H "Engineering Specifications" of the Subdivision Bylaw. This subdivision is within a Type II watershed area which requires stormwater storage, oil/grit separator or grass swale and sediment basin.

A suitably designed storm drain system must be installed to service the development and tributary area from the existing system on MacDonald Drive East. The existing house on proposed Lot A must be connected to the storm drain including stormwater management.

The sewer line from the existing house is encroaching on proposed Lot B and must be covered by a private easement after the exact location has been determined. A subsequent sewer

connection will be required for proposed Lot B. The existing water service must be upgraded to serve proposed Lot B and the existing house on proposed Lot A must be reconnected to a new water service. Underground wiring is required to serve proposed Lot B. The existing overhead wires are trespassing over proposed Lot B. This trespass must be eliminated or covered by an easement in favour of proposed Lot A.

The proposal is subject to the prevailing municipal development cost charges.

Environmental

The tree inventory prepared by the applicants engineering consultant indicates a total of 110 trees on the site, municipal boulevard, and neighbouring properties near the common property line. The tree inventory includes 87 Arbutus, 15 Douglas fir and 8 Garry oak trees. Parks staff have stated that the information provided regarding tree inventory is insufficient and does not meet the standards for review as per the Tree Bylaw. Without details about house, driveway and service location, and building and site design, the impact to the trees on the site cannot be accurately determined. A Tree Preservation Plan prepared by an ISA certified arborist is required.

As part of a previous application, the applicant agreed to provide a Natural State covenant area over the rear ± 17.0 m of proposed Lot B. Confirmation about the location and details of the covenant area has not been provided.

Climate Change and Sustainability

The Official Community Plan (OCP) adopted in 2008 highlights the importance of climate change and sustainability. The OCP is broadly broken down into the pillars of sustainability including environmental integrity, social well-being, and economic vibrancy. Climate change is addressed under the environmental integrity section of the OCP and through Saanich's Climate Action Plan.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development. This section is not, and cannot be, an exhaustive list or examination of the issue. However, this section is meant to highlight key issues for council and keep the matter at the forefront of council's discussion.

Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience; 2) Energy and the built environment; 3) Sustainable transportation; 4) Food security; and 5) Waste diversion.

The proposed development includes the following features related to mitigation and adaptation:

- The proposal is an infill project located within the Urban Containment Boundary and Sewer Service Area, that is able to use existing roads and infrastructure to service the development;
- Limited infill through the development of new single-family housing inside the Urban Containment Boundary provides a much-desired housing form within Saanich that people would otherwise have to commute further distances for elsewhere in the region. The number of lots so created are limited in number, acknowledge longstanding policies of the Official Community Plan and Local Area Plan, and will not result in significant long-term negative impacts, as long as the majority of future growth is focussed in "Centres", "Villages", and along key corridors;

- A transit stop for Bus #11 is approximately 480 m away on Arbutus Road near the intersection with Sherwood Road, with an average frequency of 30 minutes or better during weekdays; and
- New single family dwellings constructed after June 1, 2019 are required to achieve Step 1 of the BC Energy Step Code and after January 1, 2020, will be required to achieve Step 3.

Sustainability

Environmental Integrity

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance; 2) Nature conservation; and 3) Protecting water resources.

The proposed development includes the following features related to the natural environment:

- The proposal is an infill development in an already urbanized area without putting pressures onto rural areas;
- A total of 110 trees were identified on the site, municipal boulevard, and neighbouring properties near the common property line. Parks staff have stated that the information provided regarding tree inventory is insufficient and does not meet the standards for review as per the Tree Bylaw. Without details about house, driveway and service location, and building and site design, the impact to the trees on the site cannot be accurately determined. A Tree Preservation Plan prepared by an ISA certified arborist is required; and
- As part of a previous application, the applicant agreed to provide a Natural State covenant area over the rear ± 17.0 m of proposed Lot B. Confirmation about the location and details of the covenant area have not been provided.

Social Well-being

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity; 2) Human-scale pedestrian oriented developments; and 3) Community features.

The proposed development includes the following features related to social well-being:

- The proposed lots would be slightly larger than the minimum lot size required for the RS-14 Zone; and
- Secondary suites are permitted in this development. This housing option provides for alternative forms of rental accommodation and supportive housing for immediate family members. Suites also work to make a home purchase by young couples/families, and home retention by aging seniors, relatively more affordable.

Economic Vibrancy

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment; 2) Building local economy; and 3) Long-term resiliency.

The proposed development includes the following features related to economic vibrancy:


- The development would create local short-term jobs during the construction period;
- Home based businesses would be permissible in this development; and

- The development would site additional residential units within the commercial catchment/employment area for the businesses and services located within the Cadboro Bay Village "Centre".

CONCLUSION

The current application is identical to previous applications in 2005 and 2006, both of which were rejected by Council because the information provided by the applicant was insufficient to properly evaluate the proposals.

The current proposal is consistent with the Official Community Plan which contemplates limited infill in neighbourhoods inside the Urban Containment Boundary and the proposed lot sizes are consistent with Cadboro Bay Local Area Plan Policy 7.3, which identifies a minimum parcel size of 2020 m² in this area. However, there are still a number of outstanding issues that have not been adequately addressed through revised plans or additional information. For that reason, staff cannot support the application as presented.

Prepared by: 

 Chuck Bell
 Planner

Reviewed by: 

 Shari Holmes-Saltzman
 Manager of Current Planning

Approved by: 

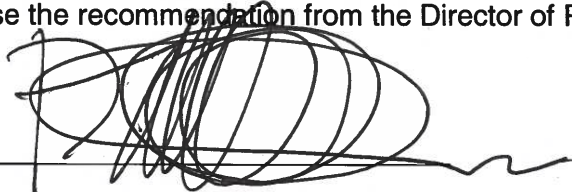
 Sharon Hvozdzanski
 Director of Planning

for

CWB/NDF/jsp

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.



 Paul Thorkelsson, Administrator